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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

KENNETH WAYNE JOHNSON,

Defendant and Appellant.

D040230

(Super. Ct. No. SCD144278)

APPEAL from a judgment of the Superior Court of San Diego County, David J. Danielsens, Judge. Affirmed.

A jury convicted Kenneth Wayne Johnson of possessing cocaine base for sale (count 1) (Health & Saf. Code, § 11351.5); possessing methamphetamine for sale (count 2) (Health & Saf. Code, § 11378); and possessing cocaine base, methamphetamine, and cocaine (counts 3, 4, 5) (Health & Saf. Code, §§ 11350, subd. (a), 11377, subd. (a)). In a bifurcated proceeding, the trial court found true allegations that Johnson had suffered

three prior drug convictions within the meaning of Health and Safety Code section 11370.2, subdivision (a) and had four prison priors within the meaning of Penal Code section 667.5, subdivision (b). It sentenced him to 15 years in prison, Johnson appealed, and this court remanded the matter for resentencing. On remand, the trial court struck one of the prior drug convictions and two of the prison priors and resentenced Johnson to 12 years in prison: the four-year middle term for possessing cocaine base for sale, three years for each prior drug conviction, two years for the prison priors, concurrent two-year middle terms for possessing methamphetamine and cocaine, and stayed terms (Pen. Code, § 654) for possessing methamphetamine for sale and possessing cocaine base. Johnson appeals. We affirm.

BACKGROUND AND DISCUSSION

We need not recite the facts, which are stated in our prior opinion. (*People v. Johnson* (Feb. 5, 2002, D037047) [nonpub. opn.].)

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. She presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738.

We granted Johnson permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. Johnson has been adequately represented by counsel on this appeal.

DISPOSITION

Judgment affirmed.

McINTYRE, J.

WE CONCUR:

BENKE, Acting P. J.

McDONALD, J.